IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA
WRIT PETITION NO : 9619 of 2004

Between:
M/s Jallal & Co, Tanners & Exporters, Warangal, Warangal District,
Rep. by its Proprietor A.M. Jalaluddin, S/o Sh. Fazlur Rehman, aged
50 yrs, Oc: Business, R/o Desaipet, Warangal.

.....
PETITIONER

AND

1.. The Assistant Provident Fund Commissioner, (Enforcement),
Employees' Provident Fund Organisation,
Sub-Regional Office, Balasamudram, Hanamkonda,
Warangal District.
2.. The Recovery Officer (EPF), Sub-Regional Office, Balasamudram,
Hanamkonda, Warangal District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the order dated 27-4-2004 made in No. AP/SRO/WGL/ENF/19934/2004-05/92 and proceedings dated 16-2-2004 made in No. AP/SRO/WGL/Enf/19934/Recovery/ 2004/4706 and also the order dated 8-1-2004 made in No. AP/SRO/WL/ENF/19934/WGL/7A ORDER/2003-04/3948 and also the order dated 12-8-2003 made in No. AP/SRO/WGL/19934/RC.No. 001 of 2003 and also warrant of arrest dated 6/12-4-2004 made in No. AP/WGL/Recy/19934/WGL/2004/7 issued by the respondents as illegal, arbitrary and consequently direct the respondents to initiate enquiry afresh for assessing the liability of the petitioner if any for payment of Provident Fund contributions

For the Petitioner:MR.A.PRABHAKAR RAO-ADVOCATE

For the Respondents: MR.R.N.REDDY

The Court at the stage of admission made the Following :

ORDER:

The petitioner is a firm engaged in the business of export of leather and assessed to Employees Provident Fund contributions. The officials of the respondent organisation inspected the premises of the petitioner on 12-8-2003 for recovery of an amount of Rs.2,06,760/- towards dues for the period from 3/95 to 2/2002 and under a panchanama attached certain property of the petitioner. There after, notice under Section 7(A) of the Provident Funds and Miscellaneous Provisions Act, 1952 dated 8-1-2004 was issued determining the dues for the period from 3/2002 to 6/2003 as Rs.1,29,637/- and imposing simple interest of Rs.14,640/- on the dues payable for the period from 3/2002 to 10/2003 from the dates they become due to the date of actual remittance i.e., 30/6/2003 and 2/12/2003. Since the due amounts were not paid, a show cause notice of arrest was issued on dated
6/12-4-2004. Hence, the writ petition.

Learned counsel for petitioner submitted that the petitioner has paid certain amounts and due to closure of business and financial constraints the petitioner could not pay the entire due amount. It is stated that the petitioner is ready to pay the balance amount of Rs.92,029/- and sought for indulgence of this Court to permit the petitioner to pay the same in 10 equal monthly instalments.

On the other hand, learned standing counsel for respondent opposed grant of ten instalments, however agreed for disposal of the

writ petition permitting the petitioner to pay the outstanding amount in 6 monthly instalments.

In the circumstances, the petitioner is permitted to pay the due amount in six equal monthly instalments payable on or before 10th of every succeeding month. The first of such instalment shall be paid on or before 10-7-2004. Till the final instalment is paid, the respondents are directed not to execute the order dated 6/12-4-2004. However, in default of any of the instalment, the respondents are at liberty to proceed in the matter in accordance with law.

Subject to above observation, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

28/6/2004

TVK/DA

To

1.. The Assistant Provident Fund Commissioner, (Enforcement),
Employees' Provident Fund Organisation,
Sub-Regional Office, Balasamudram, Hanamkonda,
Warangal District.

2.. The Recovery Officer (EPF), Sub-Regional Office,
Balasamudram,
Hanamkonda, Warangal District.

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